

**PUBLIC SERVICE COMMISSION
STATE OF NORTH DAKOTA**

NEWS RELEASE

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Commissioner Tony Clark

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**Commissioner Tony Clark urges continued federal-state partnership to
protect consumers of wireless technology**

WASHINGTON — A strong federal-state partnership, rather than considering new legislative solutions, is the best way to ensure that consumers are protected against bad actors in a rapidly changing wireless industry, the National Association of Regulatory Utility Commissioners told Congress today.

Commissioner Tony Clark, who is chairman of the NARUC Committee on Telecommunications, presented testimony before the House Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet today. Clark told the committee that current law lets states focus on their prime responsibility — responding quickly to customer complaints — while also allowing their federal counterparts to focus on consumer protection issues from a broader perspective.

“In [this] model, states generally excel at responsive consumer protection, efficiently resolving intercarrier disputes, ensuring public safety, assessing the level of competition in local markets, and tailoring national universal service and other goals to the fact-specific circumstances of each state,” Clark said. “In essence, a functional federalism approach assures there are multiple cops on the beat.”

Keeping states on the beat is essential in this consistently evolving industry, Clark said. Although wireless service has improved in recent years, this improvement stems from a combination of both market forces and, importantly, regulatory oversight, he said.

“We would stress that market forces in even the most competitive market cannot eliminate bad actors, anticompetitive practices, or public safety concerns that may need continued policing,” Clark said.

Instead, Clark said that maintaining the strong partnership between the federal and state governments is critical to ensuring consumers are adequately protected. He highlighted a July 2005 NARUC paper on Federalism in Telecom, which sets a pragmatic path for dealing with the wireless jurisdictional relationship.

This relationship does not necessarily need to be constrained by the traditional “interstate” and “intrastate” distinctions; rather, it should focus on the core competencies at both levels of government.

“The ability to respond quickly to new issues is a key strength of state commissions,” Clark said. “The federal government should not tie the hands of states by impeding their ability to act in the best interest of their residents. To do so would be a disservice to hard-working, law-abiding citizens while leaving the door open for potential bad actors.”

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